

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shinji Fujikawa et al.

Application No.: Not Yet Assigned

Confirmation No.:

Filed: Concurrently Herewith

Art Unit: N/A

For: ENDOSCOPE APPARATUS

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Patent Application
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Timing of Filing of the Information Disclosure Statement:

☒ This IDS is being filed before the First Office Action¹.

¹ The IDS should, where possible, include a certification under 37 C.F.R. §1.97(e).

- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².
- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR § 1.97(e):

Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☐ Statement Under 37 C.F.R. § 1.704(d):

² The IDS *must* include *either* a certification under 37 C.F.R. §1.97(e) *or* the fee set forth in 37 C.F.R. §1.17(p).

³ The IDS *must* include *both* a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 C.F.R. § 1.97(c)(2) or 1.97(d)(2):

☐ If checked, the fee of \$180.00 set forth in 37 C.F.R. §1.17(p) is attached.

Copies of Information:

In accordance with 37 C.F.R. §1.98(a), the following are enclosed:

- ☒ A legible copy⁴ of each document (or relevant portion thereof) is cited in the attached PTO/SB/08.
- ☒ With respect to any information which is not in English, a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, is attached. This concise explanation is provided by way of:

☒ A translation of the relevant portions of the non-English language information⁵;

☐ A statement explaining the relevant portions of the non-English language information;

⁴ A legible copy of the document is not required if (1) the information was previously cited by, or submitted to, the Office and considered by the Office in a prior U.S. application to which this application claims priority, provided that the prior application is properly identified in this IDS, and (2) the IDS submitted in the earlier application complies with 37 C.F.R. § 1.98(a) – (c). This exception does not apply to information cited in an International Application.

⁵ 37 C.F.R. §1.98(a)(3)(ii) *requires* that an English language translation be provided when a translation of the document, or portion thereof, “is within the possession, custody or control of, or is readily available to any individual designated in 37 C.F.R. § 1.56(c).”

Application No.: Not Yet Assigned

Docket No.: S0530.0002

☐ A copy [and, where not in the English language, a translation] of at least the relevant portion(s)⁶ of the communication from a foreign patent office in a counterpart foreign application in which the information was cited;
or

☒ This information is contained in the specification of the present application.

☐ In accordance with 37 C.F.R. 1.98(d), copies of the cited documents are not enclosed as they were provided in application Serial No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. 120.

Materiality:

Whether or not the information and references disclosed in this Information Disclosure Statement is “material” pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

⁶ The relevant portion is that portion which indicates the degree of relevance found by the foreign patent office. This may be an explanation of which portion of the of the reference is particularly relevant, to which claims it applies, or merely an “X”, “Y”, or “A” indication on a search report. MPEP §609 III A(3).

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In the event the actual fee is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

Dated: February 5, 2004

Respectfully submitted,

By



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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Shinji Fujikawa
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	S0530.0002

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-US 2002/0032365-A1	03-14-2002	Hasegawa, et al.	
	AB	US-4,913,369	04-03-1990	Lia, et al.	
	AC	US-5,314,070	05-24-1994	Ciarlei, Joseph A.	
	AD	US-5,323,899	06-28-1994	Strom, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA	JP-2001-330783	11-30-2001	OLYMPUS OPTICAL CO., LTD.		
	BB	JP-58-172905 (with attached Information Sheet describing relevance)	11-18-1983			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Information Sheet for preparing an Information
Disclosure Statement under Rule 1.56

2004 1.29

Suzuye Ref. 03S1896

Foreign Patent Document

Document No.: 2001-330783, published November 30, 2001

(U.S. publication No: 2002/0032365 A1, published March 14, 2002)

Country: Japan

Copy of reference: attached

Language: non-English

English translation: not attached because it is not readily available

Concise Explanation of Relevance: This document is disclosed in the body of a specification along with the statement of relevancy.

Foreign Utility Model Document

Document No.: 58-172905, published November 18, 1983

Country: Japan

Copy of reference: attached

Language: non-English

English translation: not attached because it is not readily available

Concise Explanation of Relevance:

What is claimed is:

(1) A containment device for holding an endoscope having a flexible inserting portion and a light guide cable integrated in a main body, comprising:

a winding portion in the form of an annular-ring or the like capable of winding the inserting portion around a drum-form member; and

a grooving portion formed in at least one of the side surfaces of the winding portion, for fitting the main body of the endoscope therein.

(2) The containment device according to claim 1, wherein said drum-form member has a groove portion in at least one of the side surfaces of the winding portion for fitting the main body of the endoscope and light guide cable therein.

(3) The containment device according to claim 1, wherein said drum-form member has a groove portion in at least one of the side surfaces of the winding portion for fitting the main body of the endoscope, and the inserting portion and the light guide cable are wound around the winding portion.

U.S. Patent Documents

Document No.: **4,913,369** issued **April 3, 1990**

Copy of reference: **attached**

Document No.: **5,314,070** issued **May 24, 1994**

Copy of reference: **attached**

Document No.: **5,323,899** issued **June 28, 1994**

Copy of reference: **attached**